

No. 11(112)-3Lab-79/7224.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the presiding officer Labour Court Rohtak in respect of the dispute between the workmen and the management of M/s Karnal Co-operative Sugar mills Ltd. Karnal.

BEFORE SHRI BABU GOYAL, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 200 of 1978

between

SHRI KRISHAN LAL WORKMAN AND THE MANAGEMENT OF M/S KARNAL COOP.
SUGAR MILLS LTD, KARNAL

Present.—

Shri Madhu Sudan, for the workman.
Shri Surinder Kaushal, for the management.

AWARD

By order No. KNL/19-78/34445 dated 21st July, 1978 the Governor of Haryana referred the following dispute between the management of M/s Karnal Co-op. Sugar Mills Ltd. Karnal and its workman Shri Krishan Lal to this court, for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947

“Whether the termination of services of Shri Krishan Lal was justified and in order, ? If not, to what relief is he entitled ?

On receipt of order of reference, notices were issued to the parties for 24th August, 1978. The workman instead of filing his Claim statement sent in copy of letter dated 26th July, 1978 wherein he stated that due to some domestic circumstances he was not able to fight the case with M/s Karnal Co-op. Sugar Mills Karnal and withdrew his case against the management. The management also in their written statement submitted a copy of the letter of the workman dated 26th August, 1978 and prayed that in view of the withdrawal of the case by the applicant no dispute award may be passed. My learned Predecessor passed the order for withdrawal of the reference on 23rd November, 1978 Since the order dated 23rd November, 1978 was not signed by my Learned Predecessor and no order of disposal and communication to the Government was passed. I issued fresh notice to the parties for 24th May, 1979 when Shri Madhu Sudan representative of the workman appeared and made the following statement that “The workman Shri Krishan Lal does not want to pursue his case and stated that I withdraw the case.”

I therefore, hold and answer the reference that the termination of the services of the workman was justified and in order and he is not entitled to any further relief.

Dated 21st June, 1979

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana.

Endorsement No. 1507, dated 22nd June, 1979

Forwarded (four copies) to the Secy. to Government of Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the I.D. Act.

BABU RAM GOYAL,
Presiding Officer,
Labour Court, Haryana.

No. 11(112)-3Lab-79/7349.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/s. Northern India Iron and Steel Co., Ltd., Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 196 of 1977

Between

SHRI KESHO RAM, WORKMAN AND THE MANAGEMENT OF M/S. NORTHERN INDIA
IRON AND STEEL COMPANY LTD., FARIDABAD

*Present:—*Shri P.K. De for the workman.
Shri K.P. Agrawal for the management.

AWARD

By order No. ID/FD/398-77/46916, dated 27th October, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Northern India Iron and Steel Company Ltd., Faridabad, and its workman Shri Kesho Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Kesho Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issue was framed on 14th March, 1978:—

Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?

And the case was fixed for the evidence of the management. The management examined Shri Gel Chand their Supervisor as MW-1 who stated that the workman was appointed temporarily for six months on 3rd September, 1976. On 3rd March, 1977 the workman was regularised and taken on probation for three months,—vide Ex. M-3. The probation period was extended by three months,—vide Ex. M-4. He was the supervisor and he made the personal evaluation report of the work of the workman which is signed even by the workman. Then the management terminated the services of the workman. MW-2 also proved Ex. M-6. The management closed their case. Then the case was fixed for the evidence of the workman. The workman examined himself and closed his case, who stated that he was employed on 3rd September, 1976 as a permanent workman and there was no complaint of his work. His services has been terminated unjustifiably.

I have gone through the evidence, oral as well as documentary, and the pleadings of the parties. I have also heard arguments of the parties. The workman was appointed temporarily,—vide Ex. M-1 as a Tongsman. Ex. M-2 proved for tenure of the job as six months. By Ex. M-3 the workman was taken in regular service but as a probationer with effect from 3rd March, 1977. This is signed by the workman. It is proved in Ex. M-3 that the services of the workman can be terminated without any notice and without assigning any reason and can be extended also by another three months. By Ex. M-4 probation period of the workman was extended for three months with effect from 3rd June, 1977. Ex. M-5 is a termination letter. Ex. M-6 is evaluation report confidential regarding the work of the workman. It is signed by the Head of the Department, the General Manager and the Executive Director and the workman also. The work of the workman was found not satisfactory, and thereafter his services were terminated. It is proved beyond doubt by documentary evidence that the workman was a probationer and his services have been terminated when his work was found not satisfactory. Ex. M-7 is the telegram by which the services of the workman have been terminated. It is a well settled law that the services of a probationer can be terminated when his work is found unsatisfactory and the same has happened in this case. I, therefore, decide issue No. 1 in favour of the management.

As a result of my findings on the issue, I answer the reference and give my award that the termination of services of the workman is justified and in order. He is not entitled to any relief.

Dated 13th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 529, dated 22nd June, 1979.

Forwarded (two copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/7350.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between workman and the management of M/s. J.M.A. Industries Ltd., 14/6, Mathura Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA, FARIDABAD

Reference No. 221 of 1977

between

SHRI INDER PAL WORKMAN AND THE MANAGEMENT OF M/S. J.M.A. INDUSTRIES
LTD., 14/6, MATHURA ROAD, FARIDABAD.

Present.—

Shri Darshan Singh for the workman.

Shri S.L. Gupta for the management.

AWARD

By order No. ID/FD/442-77/51207, dated 15th December, 1977 the Governor of Haryana referred the following dispute between the management of M/s. J.M.A. Industries Ltd., 14/6, Mathura Road, Faridabad and its workman Shri Inder Pal, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Inder Pal was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties following issues were framed on 24th July, 1978 :—

1. Whether the management obtained resignation from the workman under coercion ? If so, to what effect ?
2. If issue No. 1 is not proved, whether the termination of services of the workman was justified and in order ? If not, to what relief is he entitled ?

And the case was fixed for the evidence of the workman. The workman examined Shri Prah alad Mal, Nand Kishore and himself as WW-1, WW-2 and WW-3 respectively and closed his case. Then the case fixed for the evidence of the management. The management examined S/Shri Sita Ram, Supervisor, M.L. Obra, Production Superintendent, Nem Dass Gupta, Personnel Officer of the management and closed their case. Thereafter the case was fixed for arguments. Arguments have been heard. I have gone through the entire evidence of the parties, oral as well as documentary. I now give my findings issueswise :—

Issue No. 1.—WW-1 a workman of the management stated that he was helper to the workman. The workman told Shri Piplani Sahib that the machine was defective for the last 2-3 days. He did not hear. He told Shri Piplani the same thing next time. Shri Piplani replied that the workman did not know how to work and he should work on the post of a helper. The workman refused to work as a helper. Shri Piplani told him to give resignation and go out of the factory. Thereafter Shri Piplani took the workman in the cabin of Shri Obra and got a resignation written from the workman forcibly. He further deposed that the cabin has glasses all round and Shri Inder Pal came out. I asked him what happened and the workman told me that he had been forced to write resignation under threat of police. In cross-examination he stated that he could see from the glasses as to what was happening in the cabin but he could not see as to who wrote the resignation. He stated that he did not see the act of writing of the resignation. He had only seen when signatures were put on the resignation. He did not report the matter anywhere to any authority. WW-2 also stated likewise. He stated that things happening inside in the cabin are visible from outside through the glasses but nothing can be heard. There was some heated exchange the cabin. After some time the workman was silent and the workman came out of the cabin after 1½ hours. When he enquired from the workman, the workman told him that he has been forced to write a resignation. The workman also stated likewise. The workman admitted that he himself wrote the resignation but it was forced on him. He did not state as to what act of coercion was administered against him. He also admitted that his accounts were paid in the evening. The workman is Matric fail. In cross-examination he specified the threat that he shall be dealt with as others have been dealt with. He further admitted in cross-examination that he did not complain to any body. He admitted his signatures on Ex-M-2. WW-4 proved the report of conciliation proceedings Ex-M-3 and M-4 and his comments Ex. W-1.

MW-1 the Supervisor stated that the workman gave resignation Ex M-1 to him. He kept with him some time and advised the workman not to resign but the workman wanted to get job somewhere. He forwarded it with the endorsement 'A' in his hand. It was sent to Shri M.L. Obra, Production Engineer who also advised not to resign but the workman was a damant. He then forwarded to the Works Manager who forwarded to the Factory Manager who accepted it,—vide his endorsement at 'B'. MW-2 also corroborated the statement of MW-1. Similar is the statement of MW-3. Ex. M-3 is the Conciliation Proceedings in which the representative for the workman has stated that the workman was late by five minutes on 27th June, 1977 and then Shri S.R. Bidani called him and asked him to work as a helper otherwise he should resign. The workman did not agree to it. Then the management threatened him that he shall get a bad result and the workman claimed reinstatement. The representative for the management has stated, what has been stated by the MWs before me. Ex. W-1 is comments from the representative of the workman which corroborates the statement of the representative for the workman before the Conciliation Officer. Ex. M-2 is information to the workman regarding acceptance of resignation. It is signed by the workman. Ex. M-1 is another letter from the workman regarding some accounts. This letter should not have been exhibited as M-1 because M-1 is the resignation of the workman. I, therefore, mark it Ex. M-1/A. Ex. M-4 is reply to the demand notice of the workman. Ex. M-5 is statement of accounts. Ex. M-6 is registered letter received back undelivered together with A.D. form Ex. M-7. Ex. M-10 is written statement. Issue No. 1 is not proved. No act of coercion has been proved. Neither any specific act of coercion has been pleaded, specified, particularised and proved. There is a bare statement that the workman had resigned under coercion. Somewhere it has been stated that he was made to resign under threat. The workman himself has stated that the whole subject matter of the resignation is in his own hand. He has specified the threat that he shall be dealt with, as others have been dealt with. WW-2 has stated that the resignation was written in five minutes only. There is no evidence of coercion. The documents placed on the file by the workman and by the management also contradict the plea of coercion. The earliest version of the workman is that he was late by five minutes. He was asked to work as a helper or to resign. He refused to resign and the threat was that the result shall be bad. It did not amount to coercion at all. Moreover these facts were concealed by the workman. In his demand notice he did not allege resignation at all. He alleged termination of services by the management. Similarly in the statement of claim he did not plead resignation at all. Had he no intention to conceal the facts he would have alleged

resignation under coercion, but he did not allege at all. The discussions of the entire evidence leads me to conclude that the workman has failed to prove issue No. 1 and therefore, I decide issue number 1 against the workman. I hold that the workman gave resignation of his own. The contents of the resignation are very clear. It reads that on account of some reason the workman was going after submitting resignation and the workman was helpless in serving the factory and that the resignation be accepted which shall be an act of kindness. Moreover the writing of resignation is not such as to suggest that it has been written under coercion. The hand writing seems to be a normal handwriting which has been written in peaceful state of mind. The handwriting resembles with other hand writings of the workmen which has been written admittedly in peaceful state of mind as in the case of Ex. M-1/A. Both the handwritings resemble. In the hand writing, shivering or trembling of hand or finger is not deducible, rather hand writing is quite normal as if written by a man in normal circumstances and with normal state of mind. I, therefore, hold that the workman himself resigned of his own and there was no coercion exercised on him.

Issue No. 2.—As I have held issue No. 1 against the workman and have held that the workman did not resign under coercion but resigned of his free will. Issue No. 2 does not arise as the same has become redundant. I, therefore, hold that the management has not terminated the services of the workman.

As a result of my findings on the issues, I answer the reference and give my award that it was the workman who resigned his job of his own and it was not the management who terminated the services of the workman. The workman is not entitled to any relief.

Dated the 14th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 528, dated 22nd June, 1979

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/7357.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. G.M. Worsted Spinning Mills, Link Road, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 75 of 1979

between
SHRI HARENDER BAHADUR SINGH WORKMAN AND THE MANAGEMENT
OF M/S. G.M. WORSTED SPINNING MILLS, LINK ROAD, FARIDABAD

Present.—

None for the workman.
Shri H.L. Kapoor, for the management.

AWARD

By order No. FD/11/79/19902, dated 28th February, 1979 the Governor of Haryana referred the following dispute between the management of M/s. G.M. Worsted Spinning Mills, Link Road, Faridabad and its workman Shri Harender Bahadur Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

Whether the termination of services of Shri Harender Bahadur Singh was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The management appeared but the workman did not appear despite service. The case was called thrice and it was at 11-30 A.M. that dismissal in default was ordered. I, therefore, give my award that there is no dispute between the parties.

Dated the 19th June, 1979.

NATHU RAM SHARMA
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 540, dated 22nd June, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.